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12 and Third Party Complainants

DICK/MORGANTI, DICK CORPORATION,

13 THE MORGANTI GROUP, AMERICAN

CASUALTY COMPANY OF READING, PA

14 and NATIONAL UNION FIRE INSURANCE

COMPANY OF PITTSBURGH, PA

16 UNITED STATES DISTRICT COURT

17 NORTHERN DISTRICT OF CALIFORNIA—SAN FRANCISCO DIVISION

18 UNITED STATES OF AMERICA for the Use and
Benefit of WEBCOR CONSTRUCTION, INC. dba
19 WEBCOR BUILDERS, and WEBCOR
CONSTRUCTION, INC. dba WEBCOR
20 BUILDERS,

21 Plaintiffs,

22 vs.

23 DICK/MORGANTI, a joint venture, DICK
CORPORATION, THE MORGANTI GROUP,
24 AMERICAN CASUALTY COMPANY OF
READING, PA, NATIONAL UNION FIRE
25 INSURANCE COMPANY OF PITTSBURGH, PA,
and DOES 1 through 10, inclusive,

26 Defendants.

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CONSTRUCTION, INC. dba WEBCOR

BUILDERS

Case No.: 3:07-CV-02564-CRB

**JOINT CASE MANAGEMENT
STATEMENT OF**

**DICK/MORGANTI, DICK
CORPORATION, THE**

MORGANTI GROUP,

AMERICAN CASUALTY

COMPANY OF READING, PA,

NATIONAL UNION FIRE

INSURANCE COMPANY OF

PITTSBURGH, PA AND WEBCOR

CONSTRUCTION, INC.

Date: August 29, 2008

Time: 10:00 a.m.

Place: Courtroom 8

Before: Hon. Charles R. Breyer

1 AND RELATED COUNTER-CLAIMS AND
2 THIRD PARTY CLAIMS.

3
4 Defendants, Counter-Claimants and Third Party Complainants DICK/MORGANTI, DICK
5 CORPORATION, THE MORGANTI GROUP, AMERICAN CASUALTY COMPANY OF
6 READING, PA and NATIONAL UNION FIRE INSURANCE COMPANY OF PITTSBURGH,
7 PA (“D/M”) and Plaintiff WEBCOR CONSTRUCTION, INC. dba WEBCOR BUILDERS
8 (“Webcor”) respectfully submit this Joint Case Management Statement pursuant to Civil
9 Rule 16-10(d).

10 Since the August 29, 2008 conference, D/M and its subcontractors have been working
11 actively to finalize the remaining components of the claims arising out of the San Francisco
12 Federal Building Project (“Project”), in advance of submission to the contracting officer for the
13 General Services Administration (“GSA”). These efforts have included numerous conference
14 calls and meetings between D/M, on the one hand, and Webcor, Rosendin, Marelich,
15 Permasteelisa, ISEC and T&M, on the other.

16 In addition, D/M’s lead counsel in the appeals before the Civilian Board of Contract
17 Appeals (“CBCA”) (Barbara Werther from Thelen LLP’s Washington D.C. office), and the
18 Assistant General Counsel for Dick Corporation (Michael Ambroso) recently met with counsel for
19 the GSA who will be handling the appeals before the CBCA. This group of attorneys discussed
20 how best to schedule the case, with an emphasis on alternative dispute resolution. These
21 discussions will continue but there is agreement in concept that the disputes arising out of the
22 project are too large and complex to have a single ADR schedule apply to the whole. There is
23 agreement that the case should be mediated step-by-step. D/M will be in contact over the next 30
24 days with its subcontractors concerning the details of these “step” mediations.

25 At the August 29, 2008 conference, the issue arose concerning Performance Contracting
26 Inc.’s (“PCI”) production of job cost accounting information. As this is an issue that is still being
27 discussed between counsel for D/M and PCI, only a brief report will be made here. On
28 September 24, 2008, PCI produced additional documentation. D/M believes that this additional

documentation does not contain the detail requested, is nothing more than what PCI produced in 2007 and is insufficient. PCI maintains that what it provided was what D/M requested. Notwithstanding these differences, PCI has agreed to take under advisement D/M's request for more detailed information. D/M continues to believe that this additional information is essential to have in order to understand and ultimately certify PCI's claim so that it can be passed onto the GSA and to the CBCA.

Under the circumstances, four of the five active sets of parties in this case (D/M, Webcor, Rosendin Electric, Inc., and Permasteelisa) respectfully suggest that the October 10, 2008 case management conference be continued for 30 to 45 days. PCI does not join in the request to continue the case management conference.

Dated: October 3, 2008

THELEN LLP

/s/

By

John W. Ralls
Attorneys for Defendants, Counter-Claimants and
Third Party Complainants DICK/MORGANTI,
DICK CORPORATION, THE MORGANTI
GROUP, AMERICAN CASUALTY COMPANY OF
READING, PA, and NATIONAL UNION FIRE
INSURANCE COMPANY OF PITTSBURGH, PA

Dated: October 3, 2008

BOWLES & VERNA LLP

/s/

By

Kenneth G. Jones
Attorneys for Plaintiff WEBCOR
CONSTRUCTION, INC. dba WEBCOR BUILDERS

**The case management conference is continued to December 05, 2008 at 8:30 a.m.
The case management statement filed on or before November 28, 2008.**

Signed: October 6, 2008

